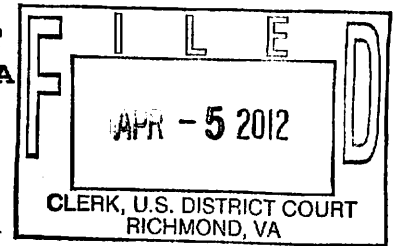


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



STEPHEN B. ELLIOT,

Plaintiff,

v.

Civil Action No. 3:10CV407

MRS. YECKLEY, et al.,

Defendants.

MEMORANDUM OPINION

Plaintiff Stephen B. Elliott, a Virginia inmate proceeding pro se and in forma pauperis brings this action. Pursuant to Federal Rule of Civil Procedure 4(m), Elliott had 120 days from the filing of the complaint to serve the defendants. Here, that period commenced on August 29, 2011. By Memorandum Order entered on August 29, 2011, the Court informed Elliott that if he wished the assistance of the United States Marshal in serving the defendant, he must promptly provide the Court with a street address where the defendant could be served. Elliott did not respond to the August 29, 2011 Memorandum Order.

More than 120 days elapsed since the entry of the August 29, 2011 Memorandum Order and Elliott failed to serve the defendants. By Memorandum Order entered on February 13, 2012, the Court directed Elliott to show good cause for his failure to serve the defendants. Elliott did not respond to the February

13, 2012 Memorandum Order. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Elliott.

An appropriate Order shall issue.

Richmond, Virginia

Date: April 5, 2012

/s/ *RET*

Robert E. Payne
Senior United States District Judge